
KASHMIRIYAT: CULTURE, IDENTITY AND POLITICS



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Abbreviations

APHC - All Parties Hurriyat Conference

BJP - Bharatiya Janata Party

CCI - Council of Common Interest

HM - Hizb-ul-Mujahedeen

HuA - Harkat-ul-Ansar

Indo-Pak - India-Pakistan

ISI - Inter-Services Intelligence

JeM - Jaish-e-Mohammed

JKLF - Jammu and Kashmir Liberation front

KSG- Kashmir Study Group

LeT - Lashkar-e-Toiba

NC - National Conference

PDP - People's democratic party

UJC - United Jihad Council

UN - United Nations

Abstract

Since the late 1940s, the Kashmir region has been a disputed area. The three central actors involved in this conflict (the Kashmiri people, India and Pakistan) have been claiming sovereignty over the region. Ever since, there has been a constant dispute over the Kashmiri territory which of late has turned more violent. During the 1990s, turmoil in Kashmir got a new momentum and since then it stopped to subside despite occasional lull. While there was hope for reconciliation in the early 21st century with the improvement of bilateral relations between India and Pakistan, it soon disappeared when Indo-Pak rivalry reached a new height.

In July 2016, another wave of armed riots erupted in Kashmir after the Indian army killed the pro-Kashmir independence militant, Burhan Wani. Such event raised the question one more time concerning who has a legitimate right over this territory, and if there is a possibility to finally close this chapter of uncertainty in Kashmir.

This thesis seeks to explore the question of sovereignty focusing on the different narratives and cultural identities related to the Kashmir conflict which are all embedded in the concept of *Kashmiriyat*. Through the analysis of multiple sources (including books and book chapters, online and printed articles), this thesis evaluates the possibility of conflict resolution in the region and even envisages the possibility of Kashmir's independence. This strife has been long forgotten by the international community and under the current circumstances and stalemate in the Indo-Pak relations there is little possibility to find a viable solution at the regional level. By raising awareness on the issue, this thesis aims to contribute to redirect attention on a long lasting and unsolved struggle.

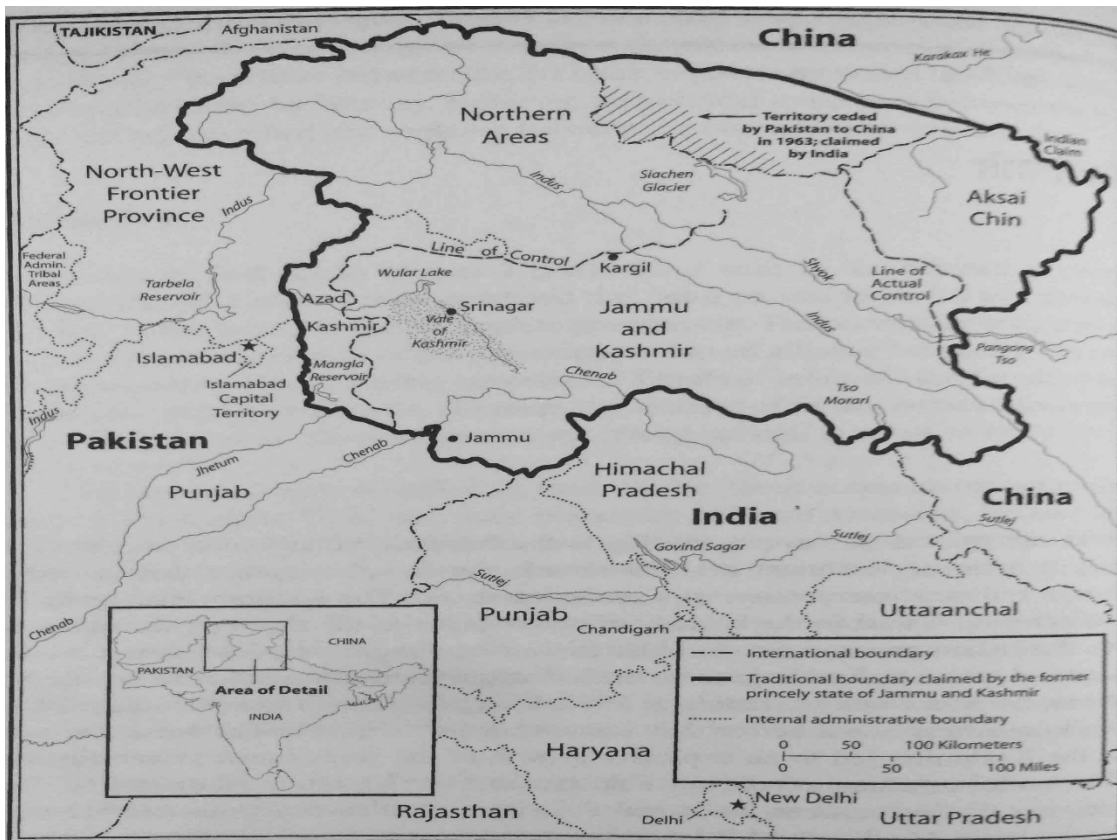
Introduction

The second part of the 20th century was quite remarkable in humankind history due to the decolonization process. Third world countries experienced upheavals while national leaders were building their own nation states. Indeed, the South Asia region was no exception to this rule. The creation of India and Pakistan also triggered a series of violent episodes. Many of these were related to the sovereignty of the state of Kashmir.

As a matter of fact, Kashmir has been a disputed territory since the partition of the Indian sub-continent. Both India and Pakistan claimed to have authority over the region. Yet, the dispute among these nations has left the native people living in this territory having no say in the matter, despite the fact that there are some Kashmiri leaders who want independence for their nation.

Since 1947, India and Pakistan have fought several wars (1947-1948 partition crisis and Indo-Pak war, the 1965 second Indo-Pak war, the 1971 war, and the 1999 Kargil war¹) while claiming legitimacy of the region. In addition to the Indo-Pak struggles, the Kashmiri people have also fought against both nations to become sovereign (the most famous episode has been the 90's security crisis in India).

¹ Rahnam Indurthy and Muhammad Haque, "The Kashmir conflict: why it defies solution", in *International Journal on World Peace* (USA), vol. 28, n°1, 2010, pp. 9.



Map of the disputed areas of Kashmir, source: Anne Noronha Dos Santos, *Military Intervention and Secession in South Asia, the cases of Bangladesh, Sri Lanka, Kashmir and Punjab*, p. 68.

Notwithstanding, these major clashes were controlled. In the mid 00's (especially after the 9/11 attacks), there were hopes for a final consensus. This was related to the improvement of the bilateral relations between India and Pakistan². Nevertheless, this positive perspective seems to be fading away after the surge of a new wave of more destabilizing and violent riots in July 2016. This time such events took place in the light of the killing by the Indian army of pro-Kashmir independence militant called Burhan Wani³. This last outbreak of security crisis clearly proves that the claim of sovereignty over the region remains an unsolved issue.

² Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", in *Race and Class* (Washington), vol. 56, n°2, 2014, p. 70.

³ *The Economist*, *Kashmir reviving the cause*, available in <http://www.economist.com/news/asia/21704828-turmoil-kashmir-has-reopened-old-wound-and-hardened-anti-india-sentiment-pakistan-reviving> (Accessed on May 16th 2017).

Besides, it might seem that the international community has transformed the conflict into a ghost by forgetting its existence. Peace keeping organizations keep bringing old fashion remedies and recommendations based on the former 1948 UN resolution. All the suggestions presented on the 1948 document have been barely considered during the past 69 years and there is no real engagement towards a clear settlement. This could make us wonder whether there is a possible solution to this never-ending story.

In this thesis, I would like to question to what extent is Kashmir's freedom struggle viable? What are the pros and cons arguments of the actors involved in this matter? Will peaceful coexistence and syncretism remain the salient characteristic of Kashmiri society? Would divergent opinions affect in the drafting of a final consensus? Is there a best or ideal resolution to this issue?

Throughout this thesis, I will try to explain which are the different narratives on the Kashmir conflict via the concept of "*Kashmiriyat*". In the first place, I will define the term *Kashmiriyat* and in which ways it helps to understand the current socio-political conflict. Second, I will present the different historical and cultural aspects that are linked to *Kashmiriyat*. Third, I will try to illustrate the different perspectives of all the actors involved. Finally, I will assess if there is a possibility for a dispute resolution.

The purpose of this thesis is to have an overall perspective of the current developments on the region and explore whether the actors could reach a consensus. I will use a historical analytical approach recapitulating the main events of the history of Kashmir which led to the ongoing crisis. The latest riot eruption indicates that this remains an unsolved matter. To obtain a final jurisdiction and understand the causalities and background of these uprisings, this issue must be further explored. This thesis aims to help to understand what *Kashmiriyat* stand for, and to have a better perspective on what is at the heart of the dispute.

The above aim will be accomplished by fulfilling the following research objectives: analyze and understand the cultural and political trajectories of *Kashmiriyat* through time to identify the motives of the metamorphose of *Kashmiriyat* (from a cultural to a political entity), as well as the political circumstances and the causalities of the diverse uprisings in Kashmir.

Chapter I. Conceptualizing *Kashmiriyat*

Kashmiriyat constitutes the core of this thesis. Hence, at the outset, a proper understanding of this concept is essential, since it will help us to start distinguishing patterns and arguments of the different actors involved in the conflict. Especially considering that regional and territorial dispute emphasize different meanings, a study of the term is required. Just as Ahmed and Saklani claim:

“At present Kashmir is passing through turmoil due to many unfortunate reasons and intolerance. The hatred, mistrust and communal enmity has brought bad name to Kashmir. In such a horrible situation, the study of *Kashmiriyat* is significant in which may present a useful enquiry in establishing the loss of serenity and peace in Kashmir [...]”⁴

***Kashmiriyat*: multiple understandings**

To begin with, one could question what does actually *Kashmiriyat* stands for? Aggarwal states that this term can be easily defined as an abstract noun that represents the ethos of being Kashmiri. If transliterated, the term could be prescribed as ‘origin or affiliation to Kashmir’⁵.

So far, even if there is a general definition of the term *Kashmiriyat*, there is still ample debate on what does it precisely stands for. Just as Hangloo declares:

“[...] the term *Kashmiriyat* has been used too often and in such diverse contexts that one begins to doubt whether it means the same thing at all times or refers to different things at different times.”⁶

Hangloo argues that overall, the term *Kashmiriyat* is a combination of many of the arguments given by different visions of scholars. As he states:

“*Kashmiriyat* does not only mean simply a harmonious relationship cutting across religious and sectarian divisions or pluralistic tradition, but it is a far wider concept that has grown over centuries of historical process that the region of Kashmir has embraced, both in peace and in turmoil.

4 Irfan Ahmed, & D. P. Saklani, “Evolution of Kashmiriyat, a Case of Socio-Cultural Assimilation During 14th and 15th Century” in *Remarking an Analisation (India)*, vol. 1, n°8, 2016, p. 73.

5 Neil Aggarwal, “Kashmiriyat as Empty Signifier”, in *Interventions (USA)*, vol. 10, n°2, 2008, p. 227.

6 Rattan Lal Hangloo, “Kashmiriyat: the voice of the past misconstrued”, in Nyla Ali Khan *et. al.* (coords.), *The Parchment of Kashmir, History, Society and Polity*, Palgrave Macmillan, UK, 2012, p. 37.

Kashmiriyat is not a mere concept but an institution with societal, political, economic and cultural currents and undercurrents.⁷”

The origin and evolution

Kashmiriyat's idea can be traced to the historical past of Kashmir. In the 13th century, the main religions of the valley (Hinduism and Buddhism) encountered Islam⁸. The new religion seemed appealing to many of the inhabitants of the region who converted to Islam. Such religious and cultural encounter created a new culture by assimilating various ethno-religious traditions and beliefs that were shared among the different communities.

This idea of sharing traditions came to be called the Hindu-Muslim “Rishi-Sufi” movement⁹. The most important part of such movement was experienced between the 14th and 15th century. It was during this period that there was a clear socio-cultural assimilation process in Kashmir¹⁰.

Certain characters such as Lalla Ded influenced this concept. Ded was a Sufi mystic (born in a Hindu household) from the 14th century. She managed to prove that there could be an in between among Hindu Vedic traditions and Muslim mysticism. Among her legacy relies the foundation of Kashmir’s biggest Sufi order¹¹.

Indeed, the success of Islam in Kashmir is strongly linked to the fact that Sufi Saints were able to cope with the cultural differences and managed to live collectively together¹². Also, Sufism is a division of Islam which does not preach strict orthodox values. Hence, this facilitated cultural assimilation. Just as Ahmed and Saklani state:

“So, the Islam practiced by the people of Kashmir has been predominantly Sufi in nature rather than orthodox, that led to the development of the composite culture and more a kind of society in which people were well aware of their religiosity, but never let come in between their relationships with each other.¹³”

7 *Ibid.*, p. 43.

8 Irfan Ahmed & D. P. Saklani, “Evolution of Kashmiriyat, a Case of Socio-Cultural Assimilation During 14th and 15th Century”, *op. cit.*, p. 75.

9 *Ibid.*, p. 75.

10 *Ibid.*

11 Abhijit Dutta, “A Different Imagination: Authenticity and Inauthenticity of Narrating Kashmir”, in *Chinese Semiotic Studies (India)*, vol. 7, n°1, 2012, p. 171.

12 Irfan Ahmed & D. P. Saklani, “Evolution of Kashmiriyat, a Case of Socio-Cultural Assimilation During 14th and 15th Century”, *op. cit.*, p. 75

13 *Ibid.*, p. 75.

***Kashmiriyat*: multiple representations**

For some scholars, *Kashmiriyat* was a synonym of cultural void and religious significance. For a long time, this term became a binding force between the peoples of various religious and cultures. Yet, now it is less encompassing because some of the groups (the Pandits) that were part of the notion *Kashmiriyat* have fled the valley after the first set of violent episodes¹⁴. Just as Kashmiri historian Mohammad Ishaq Khan explains:

“Our earnest participation in each other’s festivals and marriage ceremonies was proverbial until the mass exodus of Pandits from their homeland, following the onset of militancy in Kashmir Valley in 1989.¹⁵”

For other scholars, *Kashmiriyat* was the mainstream definition of shared religiosity between Hindus and Muslims. Kashmir was always portrayed as the best example of a place where Hindus and Muslims could coexist in a peaceful way. Indeed, the region’s essence is a mix of religious Hindu and Muslim costumes, beliefs, manners and rituals.¹⁶ In fact, this idea is strongly supported by the Indian government as a mean to justify unity among Kashmiris.

In his piece, Hangloo cites the work of T. N. Madan (a Kashmiri himself) who elaborately describes the term *Kashmiriyat*¹⁷. He clearly claims that *Kashmiriyat* constitutes of the key elements of the love of the homeland (*kashir*) and common speech (*koshur*), besides similar costumes and practices such as distribution of cooked and uncooked food as a token of good will, visits to shrines and reverences to relics, similar culinary and sartorial styles, folklore and folk music, etc.¹⁸ According to him, all of these elements have contributed to create an image of mutual recognition and togetherness that can be perceived physically and culturally. Indeed, the author accepts the fact that there is a secular trait in the nature of the term *Kashmiriyat*. Yet, this has become more contestable after the unrest and growing division of religious and cultural identities¹⁹.

14 Neil Aggarwal, “Kashmiriyat as Empty Signifier”, *op. cit.*, p. 227.

15 Mohammad Ishaq Khan, “Evolution of my Identity vis-à-vis Islam and Kashmir”, in Nyla Ali Khan *et. al.* (coords.), *The Parchment of Kashmir, History, Society and Polity*, Palgrave Macmillan, UK, 2012, p. 14.

16 Neil Aggarwal, “Kashmiriyat as Empty Signifier”, *op. cit.*, p. 227.

17 Rattan Lal Hangloo, “Kashmiriyat: the voice of the past misconstrued”, *op. cit.*, p. 38.

18 *Ibid.*

19 *Ibid.*

Other authors such as M. I. Khan believe that *Kashmiriyat* was the gradual outcome of mutual adaptation of various pre-Islamic religious traditions and the great tradition of Islam. To him, the *Rishis* (holy Vedic Hindu sage, saint or inspired poet) were the main exemplars of the developing of such a dialectic process. In fact, the spirit of this dialectic was mystical religious experience and universal love²⁰.

Regardless of the different opinions aforementioned, they all designate *Kashmiriyat* as an “ideology” (an ideology is composed of three key elements: body of doctrine, myth and belief)²¹.

Another view is that *Kashmiriyat* is not an ideology, but rather a behavior pattern shared by Pandits and Muslims in the region²². Besides, *Kashmiriyat* is also perceived as the sense of mutual support which still not wholly free of tensions. In other words, this notion refers to a pluralistic culture of tolerance, but does not represent syncretism.²³

On the other hand, Pakistan’s government defines *Kashmiriyat* as a territorial conceptualization avoiding a cultural or religious formulation²⁴. Thus, this means that Pakistan considers *Kashmiriyat* as the equivalent to Kashmiri citizenship. This was first proclaimed in 1858 by the Maharaja at the time. Besides, the Jammu and Kashmir kingdom also granted citizenship to Kashmiris outside the land for two generations. Nowadays, the Pakistani passport includes special certificates implying that such citizens are originally from the Jammu and Kashmir province.²⁵

Recently, as a consequence of the crisis the Kashmiri region has been facing in the last few decades, there has been new and more radical reinterpretations of the notion of *Kashmiriyat*. Suhail Showkeen states that for the Pandits, the term became a curse because the Pandits were living at the mercy of the Muslim majority and hence, becoming second-class citizens²⁶. Yet, this argument seems extremist to catch our attention, because it sounds really alarming to realize that a culture is being subjugated by another one. After all, since

20 *Ibid.*

21 Dictionary.com, *Ideology*, available in <http://www.dictionary.com/browse/ideology> (consulted on April 23rd, 2017).

22 Rattan Lal Hangloo, “Kashmiriyat: the voice of the past misconstrued”, *op. cit.*, p. 38.

23 *Ibid.*, p. 39.

24 Neil Aggarwal, “Kashmiriyat as Empty Signifier”, *op. cit.*, p. 229

25 *Ibid.*, p. 229.

26 Rattan Lal Hangloo, “Kashmiriyat: the voice of the past misconstrued”, *op. cit.*, p. 39.

Medieval times, most people converted to Islam by the means of self-determination. Indeed, only under the reign of Suha Bhatta people were forced to embrace Islam²⁷.

Is *Kashmiriyat* unbiased?

As stated by Hangloo, this is not just one neutral and innocent word. As a matter of fact, this term is a powerful socio-political instrument which helps to identify and shape different groups in the Kashmir area²⁸.

However, there is a lack of clear association between the term and the groups that pretend to belong to “*Kashmiriyat*”. The vagueness of the term itself can become quite controversial, since everyone in Kashmir can use it to outline a different political agenda²⁹. Moreover, due to its historical past, the use of *Kashmiriyat* cannot be attributed to any party or specific religion, since it has been used by all of them disregarding their beliefs and causes³⁰.

The use of the term *Kashmiriyat* as a political tool became very frequent during the late 1980’s when Kashmir faced its worst and bloodiest security crisis. Media and the different actors would constantly invoke to the use of this notion because the use of the term became essential to illustrate and have a better understanding of the various aspects of their agendas³¹.

As mentioned before, defining *Kashmiriyat* can be extremely complex because of its vagueness. Everyone can use the term according to their own view and interests while claiming jurisdiction on Kashmir. In the following chapter I will analyze the cultural and identity aspects that rely within the concept of *Kashmiriyat*.

27 *Ibid.*

28 *Ibid.*, p. 37.

29 Neil Aggarwal, “*Kashmiriyat* as Empty Signifier”, *op. cit.*, p. 227.

30 *Ibid.*, p. 229.

31 *Ibid.*, p. 227.

Chapter II. *Kashmiriyat*: culture and identity

As we have seen in the previous chapter, many of the elements belonging to the concept of *Kashmiriyat* are cultural aspects. *Kashmiriyat* was the result of shared religiosity and cultural practices between Hindus and Muslims. Even though many centuries have passed (and there is a religious difference among the diverse ethnic groups in Kashmir) most of the Kashmiri traditions remain very close to their original form. Indeed, modernization is transforming costumes and rituals at a fast pace. However, the whole of the native people (who call themselves Kashmiri) are trying to stick with their traditions.

For instance, when a child is born both Hindus and Muslims undertake similar rituals. First, the new born will only be named after a certain amount of days (11 for Hindus and 7 for Muslims)³². Second, once the name has been assigned, they will proceed to shave the baby's head and do some prayers to prevent any dreadful thing to occur to the child³³. This is an example of how some common elements in two distinct religions can become a source of gathering rather than separation of cultures.

Historical background

Just as aforementioned, most of this cultural legacy can be traced back to the early 13th century in Kashmir. It was during this period that Islam finally reached the Kashmir region. There were several previous attempts by the Arabs and other Muslim people to conquer the Kashmir region. However, the mountains served as natural barriers to keep away foreign invaders³⁴. In truth, there were invasion trials done during the Caliphate of Walid I (705-715), yet, the Umayyad offensive fell short³⁵.

During the 11th century, the Turks also attempted to invade India and failed. Some soldiers decided to leave the army and remain in the Kashmir region³⁶. These new inhabitants began to give military assistance to Kashmiri rulers. In return, the authorities would allow them to

32 Somnath Wakhlu, *The rich heritage of Jammu and Kashmir, studies in art, architecture, history and culture of the region*, New Delhi, Gyan publishing house, 1998, pp. 241-43.

33 Ibid.

34 Abdul Qaiyum Rafiqi, *Sufism in Kashmir, from the fourteenth to the sixteenth century*, New Delhi, Bharatiya publishing house, 1971, p. 1.

35 Ibid.

36 Ibid., pp. 2-3.

practice their own traditions freely, which were generally linked to the Sufi traditions from Turkistan³⁷. This also gave rise to having intra religious interactions.

Indeed, the transition process from a Hindu kingdom to the first sultanate happened in 1339³⁸. This came out after the death of Hindu King Suhadeva and subsequently his brother. Since he did not have any heir to the throne, he appointed a loyal Muslim servant as his successor: Shah Mir³⁹. The outcome of the arrival of a Muslim to the throne was a massive conversion of the region into Islam.

The Muslim practices became quite appealing to the Kashmiris in a very short amount of time. This was mainly linked with the fact that Islam was a suitable alternative to the ongoing Medieval hierarchical Brahmanical society⁴⁰.

The central problem of the Brahmanical society was that its socio-political order was incredibly elitist, hierarchical, privilege-based and deeply grounded into an unjust cast system⁴¹. The fact that Islam did not have any hierarchy among the different people composing the society, made the religion appealing for those without privileges and for the masses.

Islam in Kashmir and the change in the cultural dynamics

The interactions of the distinct cultures and religions with Islam changed completely the cultural dynamics of the Kashmiri region. Indeed, we cannot deny the fact that Islam came soon to be the dominant religion in the area. However, cross-cultural interactions were not unusual for Kashmiri people. Buddhist traits among Kashmiri Shivaism are easily distinguishable based on Trika philosophy⁴². This Buddhist thinking process emphasizes the idea of experience, reason and comprehension in the course of realization of ultimate reality⁴³.

37 *Ibid.*

38 *Ibid.*, p. 1.

39 *Ibid.*, p. 5.

40 Agnieszka Kuszewska, "Lal Ded: Kashmiri rebel saint-poetess and her legacy", in *Pakistan Vision*, vol. 16, n°1, 2015, p. 3.

41 *Ibid.*

42 *Ibid.*

43 *Ibid.*

Likewise, Sufi practitioners were influenced by the ascetic and meditative practices of Mahayana Buddhism⁴⁴. The arrival of Sufi saints and missionaries marked the creation of a new Sufi order within the sect. In this division, Sufi people would integrate traditions based on Islam as well as former Buddhist and Hindu practices⁴⁵. This assimilation and adaptation mechanism can be interpreted as the Islamization process of Kashmir as well as the Kashmirization of Islam.

Therefore, just as Webb states, the resultant syncretic Hindu-Muslim culture did not exclude the presence and influence of other religions, but rather led to the development of indigenous philosophies, practices and traditions of Hinduism and Islam that differentiated both religious communities from their counterparts elsewhere⁴⁶.

Besides, Kashmir was a hub for trade between the East and the West (the trade was primarily associated with the silk road), as well as a destination for many missionaries, scholars, and travelers who also had their own impact on Kashmiri culture and identity⁴⁷. All the aforementioned elements contributed to shape the uniqueness of Kashmiri culture as well as its own religious syncretism.

Flows of trade and people led Kashmir to become region which had constant interactions with diverse areas of the world. Hence, this territory became a true synonym of a mosaic of tolerance and diversity where Muslims, Hindus and Buddhists were able to coexist. However, in the late 90's when the security crisis unraveled, the ancient practice of amicable religious steadiness began to fade away.

Lalla Ded and the emergence of a syncretic identity

Traditionally, the origins of such intra religious tolerance can be traced to the marvelous works of a Sufi sage. Lalla Ded was one character which played a significant role in the social revolution of 14th century in Kashmir. Ded was born in a Hindu Brahmin household, where she was briefly educated and then forced to get married at age 12 according to the

44 *Ibid.*

45 *Ibid.*

46 Matthew J. Webb, "Nationalist Theories: *Kashmiriyat*", *Kashmir's Right to Secede, a Critical Examination of Contemporary theories of secession*, London, Routledge, 2012, p. 77.

47 Agnieszka Kuszewska, "Lal Ded: Kashmiri rebel saint-poetess and her legacy", *op. cit.*, p. 3.

tradition. While she joined the new household, both her mother in law and husband mistreated her⁴⁸.

The legend says she was half-fed and that she never complained about it. Instead of having any sort of confrontation with her family, husband or mother in law, she decided to abandon them and become a shelterless mystic without any possessions, wandering in rags and reciting poetry⁴⁹.

For a woman of that time, such decision was remarkable, indeed, very few people would dare to fight against the system and confront religious beliefs. She was very courageous to renounce to all the culturally imposed traditional role of self-sacrificing wife, leave her family behind and enter the patriarchal world of metaphysical and poetic experiences⁵⁰. Undoubtedly, this woman chose the life of a rebel, especially since she was challenging the educated Sanskrit elite and the social system. Surely her conversion to Islam is a clear confrontation towards the system.

Kashmiris consider Ded as the mother of cultural and religious tolerance. Indeed, she was the first registered historical character to have challenged and changed the dynamic in the region. In fact, Lalla Ded is the perfect example of the mainstream definition of *Kashmiriyat*.

Contesting the tolerance perspective

In his work, Matthew Webb quotes veteran Kashmiri commentator and activist Balraj Puri. Puri gives a vast description of the evolution of coexistence among people in Kashmir. As he declares:

“[...] Kashmir has been a melting pot of ideas and races. It received every new creed with discrimination and enriched it with its own contribution, without throwing away its earlier acquisitions.”⁵¹

An interesting phenomenon is to observe the evolution of the concept of *Kashmiriyat* in different eras. Indeed, the identity of the people of Kashmir has changed in accordance with

48 *Ibid.*, p. 1.

49 *Ibid.*, p. 2.

50 *Ibid.*

51 Matthew J. Webb, "Nationalist Theories: *Kashmiriyat*", *op. cit.*, p. 78.

the current trends and problems of every period. This is also related to the diverse political, social and economic state Kashmiris were living in. Thus, this means that identity is malleable and hence confirms the instrumentalist perspective (ethnicity being a phenomenon which is socially constructed, malleable and situational) on ethnic identity and collective mobilization⁵². The malleability of identity allows this feature to become a maker for mobilization. But since it's malleable, identity can also be demobilized. *Kashmiriyat* shares both characteristics. For centuries, it has been an instrument for peaceful understanding among cultures and religions. But lately *Kashmiriyat* has also become an instrument of mobilization. As Webb states:

“Indeed, the historical evidence shows that any common national identity amongst the inhabitants of the Valley has existed in a variety of forms, according to the social, political and economic status quo of the time”⁵³.

At first glance, it might seem that peaceful coexistence among Kashmiris was viable and uninterrupted until the early 90's. It appears that there was unconditional regional unity and intra religious tolerance, yet, boundaries still existed. Despite the fact of participating in each other's festivals and marriages, weddings outside everyone's own religious community was unusual and not well perceived, even if it was not completely forbidden⁵⁴.

As a matter of fact, even if the common idea of sharing a regional identity persisted through time, little by little, a religious division among the inhabitants of the region began to emerge (this phenomenon was more visible between Pandits and Muslims). Also, in the view of rising nationalism during the 19th century, many political leaders also began to politicize the idea of *Kashmiriyat*. Just as Webb claims:

“In the case of Kashmir, for example, the Valley's inclusion within the Mughal, Afghan, Sikh and Dogra Empires, significantly affected how the different communities that comprised Kashmiri society saw themselves and related to one another *vis-à-vis* the government's policies towards each community.”⁵⁵

52 Jugdep S. Chima, “Introduction”, in Jugdep S. Chima *et. al.* (coords.), *Ethnic Subnationalist Insurgencies in South Asia, Identities, interests and challenges to state authority*, London, Routledge, 2015, p. 3.

53 *Ibid.*, p. 79.

54 Irfan Ahmed, & D. P. Saklani, “Evolution of Kashmiriyat, a Case of Socio-Cultural Assimilation During 14th and 15th Century”, *op. cit.*, p. 75.

55 Matthew J. Webb, “Nationalist Theories: *Kashmiriyat*”, *op. cit.*, p. 82.

All this evidence proves that there has been a dichotomy process undergoing since pre-partition times (especially since the mid-19th century during the Dogra Empire to be more precise). Both major religious groups started to drive apart and this is an additional reason why there is also so much turmoil going on in Kashmir. How is it possible for them to claim to have legitimate right to govern the state of Kashmir if there are divisions among the people who seek to obtain independence from foreign yoke? Indeed, the fact that they are not united under a single identity also weakens their negotiating position towards the two major states occupying Kashmir. Moreover, both India and Pakistan have strong and legitimate arguments over the sovereignty of the area which compete with those of the Kashmiri people. In the following chapter I will present contrasting arguments used by the actors involved in the dispute for the sovereignty of the territory.

Chapter III. Multiple political narratives and diverse perspectives

Many scholars claim that Kashmir is the best example of how decolonization triggers collateral effects. Indeed, many of the newly created states after decolonization in the mid-20th century had multiethnicity as one of the central features of their process. Hence, because of the diversity within these pluralistic societies, many sub-groups who enjoyed relative autonomy and peace during colonial rule began to experience frictions with a nascent highly-centralized government.

Chima suggests that the departing of colonial powers (especially the British) in 1947 defined borders between various emerging countries in the region⁵⁶. Such political imaginary lines were the point of departure to determine the power balance among ethnic groups which composed the different multiethnic and newly independent states. Therefore, this diversity could potentially cause problems, since it could divide the loyalty between the central governments and local nationalists residing in the region. Some could opt for parochial ethnonationalism (claim for an independent state or portion of territory) on one hand, and patriotism (loyalty to the central government) on the other⁵⁷.

Such theory can be linked to Donald L. Horowitz work on ethnic conflict. Indeed, in 1998 in view of the Annual World Bank Conference on Development Economics, Horowitz published a piece entitled Structure and Strategy in Ethnic Conflict. Here he further explored the different approaches of theories of ethnic conflict.⁵⁸

Kashmir: conflict in a multiethnic society

As a matter of fact, this is what occurred with the Kashmiri region. Loyalties got divided and the various ethnic groups expressed different claims and desires. Moreover, let's not forget that the Kashmir region remains a disputed territory between India and Pakistan. Even if there has been bilateral multilateral cooperation between the two countries (especially post 2003), this conflict continues to be unsolved. Yet, if it is true that this

⁵⁶ Jugdep S. Chima, "Introduction", *op. cit.*, p. 1.

⁵⁷ *Ibid.*

⁵⁸ Donald L. Horowitz, "Structure and Strategy in Ethnic Conflict", in *Annual World Bank Conference on Development Economics*, Washington, 1998.

struggle is the result of partition, why Kashmiris did not raise their voice during decolonization and they only take actions nowadays after decades of peaceful coexistence?

The latest Kashmiri uprisings are linked to the killing of Burhan Wani (a young and charismatic Islamist militant) on July 9th, 2016 by the Indian security forces. Wani's killing triggered the mobilization of the youth which is a generation that had grown up under what most Kashmiris consider illegitimate Indian occupation⁵⁹. Indeed, the death of such militant fostered separatists' hopes for a revival of their cause⁶⁰.

For this reason, it is utterly important to examine closely which arguments are used by each actor involved in the conflict to claim entitlement on the Kashmir region. As Dutta declares, the main problem of telling the narrative about Kashmir remains on 'choosing sides'. On the one hand, an Indian citizen is convinced that Kashmir's place lies in the Indian subcontinent. On the other hand, a Kashmiri person would still consider to be under the jug of the Indian or Pakistani governments. Besides, Kashmiris consider themselves to be like Israel and Palestine, in which the Indian and Pakistani states are instigating a new wave of neo-colonialism⁶¹.

Therefore, it is extremely complex to define what exactly this territory is and who it belongs to without drawing different parallel meaning systems. Another frequent issue reckons that most of the narratives do not acknowledge 'the other one' that differ from their point of view to fulfil their own agenda⁶².

Variated sovereignty claims: Kashmiris, Indians and Pakistanis

We can state that there are three broad claims concerning the adscription of this territory: the Kashmiris, the Pakistanis and the Indians. Every group uses their own arguments to explain in which ways Kashmir should be part of their nation or territory.

Kashmiri people strongly emphasize the fact that they have been under foreign rule since the arrival of the Mughals in the 16th century. Almost all Kashmiri history literature points out that the Mughals were tyrannical rulers which threatened the idea of *Kashmiriyat* by

59 *The Economist*, "Why Kashmir is erupting again", *op. cit.*, (Accessed on May 16th, 2017).

60 *The Economist*, "Kashmir reviving the cause", available in <http://www.economist.com/news/asia/21704828-turmoil-kashmir-has-reopened-old-wound-and-hardened-anti-india-sentiment-pakistan-reviving> (Accessed on May 16th 2017).

61 Abhijit Dutta, "A Different Imagination: Authenticity and Inauthenticity of Narrating Kashmir", *op. cit.*, p. 170.

62 *Ibid.*

factionalizing Hindu-Muslim and Shia-Sunni-Sufi practices⁶³. The most important desire of the Kashmir inhabitants is to finally become independent and have self-rule⁶⁴. Surely, this is a logical outcome drawn upon the historical past of being dominated by foreign rival powers.

Just as Geelani posits: “Many independent polls and surveys have established that the majority of the population of both sectors of Jammu and Kashmir prefer complete independence to direct rule by either India or Pakistan.”⁶⁵

Kashmiris like Oberoi believe that India and Pakistan are using a religious-racial card in their favor when it comes to claim determination over the territory⁶⁶. In fact, Kashmiris use a very Primordialist perspective (meaning that ethnic identity flows from real or perceived blood ties and extended kinship networks⁶⁷) on the issue. Certainly, they are presenting *Kashmiriyat* as a “genetic predisposition” to favor their own kin for group survival⁶⁸.

However, the idea of *Kashmiriyat* minimizes religious divisions. Therefore, the Primordialist argument is used as a symbol that emphasizes common history and belonging and it also downplays the religious cleavage. Hence, *Kashmiriyat* is a form of syncretism or fusion.

Besides, the inhabitants of the region constantly remind the Indian state the fact that they should be able to decide about their political future as committed to them by the 1949 UN resolution⁶⁹. According to this resolution, the Indian state should hail a plebiscite in which the native inhabitants would decide about the political future of Kashmir (whether to become an independent state or to remain within the Indian or Pakistani states). However, India never undertook such procedure and Kashmir just remained an annexed territory⁷⁰.

63 Chitralakha Zutshi, *Languages of belonging, Islam, regional identity, and the making of Kashmir*, London, Hurst and Company, 2004, p. 29.

64 Victoria Schofield, *Kashmir in conflict, India, Pakistan and the Unending War*, London, 2003, p. 2.

65 Gowhar Geelani, “Kashmir: The Forgotten Conflict”, *Race and Class* (Washington), vol. 56, n°2, 2014, p. 30.

66 Surinder Singh Oberoi, “Ethnic separatism and insurgency in Kashmir”, in *Religious Radicalism and Security in South Asia*, Honolulu, Asia-Pacific Center for Security Studies, 2004, p. 172.

67 Jugdep S. Chima, “Introduction”, *op. cit.*, p. 3.

68 *Ibid.*

69 Abdul Majid and Hussain Mahbood, “Kashmir: A Conflict between India and Pakistan”, in *A Research Journal of South Asia Studies*, vol. 31, n°1, 2016, p. 149.

70 *Ibid.*, p. 151.

The people of Kashmir think that the Indian government still strongly relies in the Instrument of “Accession” (a pact signed by the Maharaja of the time to temporarily join the Indian federation and in exchange for military help against Pakistani invasion) to avert the independence of this territory⁷¹.

Some scholars consider that the Kashmiris have been passive actors in the fight for sovereignty for the past centuries. However, Kashmir people have been politically active by means of creating intellectual circles and narratives of their ongoing situation. Just as Zutshi declares:

“[...] the inhabitants of Kashmir were not merely passive victims or instruments in a series of imperial conquests. Rather, they were active, thinking participants who through the act of historical narration defined Kashmir’s [...] position within larger empires and their more immediate social contexts.”⁷²

Currently, one of the biggest concerns of the Kashmiris is how to deconstruct Kashmir’s foreign narratives. It is undeniable that most literature on the matter is still being published from the perspectives of Indian and Pakistani scholars and the Kashmiri vision is minoritarian.⁷³

Still and all, Kashmiris are starting to create a literature that depicts their own vision and resistance to this dispute. Indeed, as stated beforehand, there was previously some scholarly work done in the subject, yet, it was only available in Kashmiri and Urdu languages. Hence, this made the understanding of the matter for outsiders quite difficult due to language barriers. However, writing about this topic continues to be a difficult task because of constant surveillance and censorship from the ‘oppressor states’⁷⁴.

The Pakistani state claims that Kashmir belongs to their territory based on the two-nation theory (India for Hindus and Pakistan for Muslims). Indeed, it is not possible to deny the fact that Kashmir has a Muslim majority. Therefore, Pakistan’s argument may have some validity. Nonetheless, although most Kashmiris are Muslims, their practices differ in many

71 Fozia N. Lone, “The creation story of Kashmiri people: the right to self-determination”, in *the denning law journal* (England), vol.21, 2009, p. 5-6.

72 Chitralekha Zutshi, *Kashmir’s contested pasts: narratives, sacred geographies, and the historical imagination*, New Delhi, Oxford University Press, 2014, p.4.

73 Gowhar Geelani, “Kashmir: The Forgotten Conflict”, op. cit., pp. 31-32.

74 *Ibid.*, p. 32.

ways form the ones of Pakistan, and this could be the source of tensions in the future if the territory was simply annexed⁷⁵.

As we have seen in the previous chapter, Kashmir's Muslim practices are mainly linked to the Sufi tradition. Sufis do not follow strict orthodox rules. As a matter of fact, their philosophy is a belief system and discipline free from the confines of time and place, composed by people from diverse cultural backgrounds who are seeking a common pathway to an eternal and transcendent truth⁷⁶.

Recently, Pakistan's position on the Kashmir issue has evolved. Presently, the Foreign Minister of Pakistan highlights the fact that it would be better to concede to the aspirations of independence from the people of Kashmir. Nonetheless, this should always be in accordance and acceptable for both India and Pakistan⁷⁷.

The government of Pakistan has stressed that they are willing to support Kashmir's people so they can finally achieve self-determination⁷⁸. Such declarations have been quite controversial and they have ignited a new source of tension in the relations between India and Pakistan. In a sense, the Pakistani announcement means that it is almost consenting to support rebellious and armed Kashmiri groups to achieve independence from India.

Indeed, until the first years of the 21st century, Pakistan openly gave support to militants for cross-border violence purposes. However, these actions declined considerably because of their wish for acquiring a better international reputation as well as bettering their relations with their Indian neighbor⁷⁹.

Just like Pakistan, the government of India argues that they have different reasons to declare Kashmir as part of their territory. In fact, India includes Kashmir as part of their territory because it gives a lot of validity to the concept of *Kashmiriyat*. This notion is a clear example of the principles of the founding of the Indian nation: intra religious tolerance and peaceful coexistence in an ethno-religious diverse region⁸⁰.

75 Abdul Majid and Hussain Mahbood, "Kashmir: A Conflict between India and Pakistan", *op. cit.*, p. 149.

76 Nahid Angha, *Practical Sufism and Philosophical Sufism*, available in <https://ias.org/sufism/practical-sufism-philosophical-sufism/>, (Accessed on April 24th, 2017).

77 Aman M. Hingorani, *Unravelling the Kashmir Knot*, New Delhi, Sage, 2016, pp. 255-256.

78 *Ibid.*, p. 256.

79 *The Economist*, "Kashmir reviving the cause", *op. cit.*

80 Abhijit Dutta, "A Different Imagination: Authenticity and Inauthenticity of Narrating Kashmir", *op. cit.*, p. 173.

Such argument based on unitary nationalism, overlaps with another aspect of Indian society: a highly-federalized nationalism based on regionalized and plural identities⁸¹. Such contradictions can cause frictions among the central government and other groups who enjoyed previously relative autonomy.

Furthermore, allowing the independence of Kashmir would also mean losing aesthetic and cultural values of the Indian nation. India would lose a precious natural and cultural jewel. The beauty of the valley was being depicted in poetry since medieval times. The most famous Sanskrit corpus being the *Rajatarangini* (River of Kings) by Kalhana, tells the story of the origins of Kashmir (as being one lake in the middle of the mountains) to the ongoing medieval battles between kings and queens for the throne⁸². Besides, Persian authors also portrayed the charms of the region during Mughal times⁸³. However, during the 60's, there was a strong emphasis from the government to portray the beauty of the region. It was not only home for Mughal rulers who created beautiful gardens, but nowadays it has been also home for the cinema industry which reinforced the idea of Kashmir as a sacred and mystical mountainy land⁸⁴.

Besides, as Majid and Mahbood state, the main concern of India relies on the fact that by letting Kashmir go, other states would also wish the same treatment and hence, there would be fragmentation of the country⁸⁵. The Indian central government fears the fact of having to accept the independence of more states such as the northeastern ones, Tamil Nadu or even Punjab. This would be a big threat to national unity and the government cannot allow such crisis to unravel⁸⁶.

However, the Indian state strongly highlights its wish to solve the Kashmir issue especially because they are eager to become a permanent member of the UN Security Council. One of the pre-conditions for finally being granted access to it would be to find a viable solution to

81 Chitralekha Zutshi, Languages of belonging, Islam, regional identity, and the making of Kashmir, op. cit., p. 3.

82 Chitralekha Zutshi, "Translating the Past: Rethinking Rajatarangini, Narratives in Colonial India", in The Journal of Asian Studies (Cambridge), vol. 70, n°1, 2011, p. 6.

83 Chitralekha Zutshi, Languages of belonging, Islam, regional identity, and the making of Kashmir, op. cit., p. 30.

84 Ibid., p. 173.

85 Abdul Majid and Hussain Mahbood, "Kashmir: A Conflict between India and Pakistan", op. cit., p. 151.

86 Ibid.

the Kashmir dispute. This makes the independence of Kashmir an option, albeit not the preferred one⁸⁷.

Neighboring rivalry

Beyond doubt, Kashmir regional dispute is also a matter of rivalry between India and Pakistan⁸⁸. Such rivalry is rooted to the construction of the South Asian subcontinent itself. Both countries are seeking to control the region to prove that they have more leverage than the other neighbor⁸⁹. In fact, the dispute of this territory is a battleground between different ideologies. Just as Zutshi declares: “[...] borderlines are defined as middle grounds where imperial competition and negotiations among a variety of imperial and indigenous actors led to the production of distinct political cultures”⁹⁰.

Yet, the way both countries have handled their politic-military relations highlights the difference in state priorities as well as the importance of the role of the military⁹¹. As Ganguly declares:

“[...] Apart from a small handful of instances, the Indian military has played little or no role whatsoever in the formulation of India’s foreign and security policies. [...] In Pakistan matters have worked in reverse. The military has challenged, supported and dismissed governments as and when they have deemed necessary.”⁹²

External interventions and terrorism in Kashmir

Terrorism has become a major issue in the negotiations that are looking for a long-lasting settlement to this conflict. Peace keeping in the region is fundamental to reach a consensus, but this can only be achieved if terrorism is brought to an end. Terrorism is not only costly because it damages infrastructure, but it also takes the lives of innocent people. Most important, terrorism brings uncertainty a crucial factor that needs to be mastered to bring a

87 Shah Rukh Hashmi, “India’s Obsession: The Security Council and Kashmir”, in *The Diplomatic Insight*, 2016.

88 Sumit Ganguly, *Deadly Impasse, Indo-Pakistani Relations at the Dawn of a New Century*, Cambridge, Cambridge University Press, 2016, p. 3.

89 *Ibid.*, p. 2.

90 Chitralekha Zutshi, “Rethinking Kashmir’s history from a borderlands perspective”, in *History Compass*, vol.8, n°7, 2010, p. 594.

91 Sumit Ganguly, *Deadly Impasse, Indo-Pakistani Relations at the Dawn of a New Century*, *op. cit.*, p. 16.

92 *Ibid.*

stable and durable peace. Putting an end to terrorism is a must in the process of peace keeping.

However, fighting terrorism is an extremely complicated task. The nature and *modus operandi* of terrorism is invisible and unexpected and hence makes it difficult to track or avoid. Indeed, only using intelligence or military counterattacks might not be the optimal solution. In order to finally start to end with such attacks one needs to further explore and understand the motivation of such groups to opt for violent means.

Many international peace keeping organizations and other powers have participated to put an end to terrorism. Indeed, there has been American intervention several times in Kashmiri ground. The American presence was more noticeable during the Clinton administration and just after the 9/11 and in the aftermath of the fall of the Taliban regime in Afghanistan⁹³.

The American government strongly condemns terrorist acts and hence declared war against terror. Likewise, India and Pakistan followed the trend set by the US since terrorism became prominent in Kashmir⁹⁴. After the 9/11 attacks and the 2003 relations improvement, both India and Pakistan have also declared war on terrorism and are starting to collaborate to maintain some sort of peace and stability in the region⁹⁵.

In Kashmir, militancy *per se* has always existed. Yet, it became a dominant trend in the late 1980's and early 1990's. Indeed, militancy related to the Indo-Pak neighboring rivalry has become prevalent among many groups and this has led to Kashmir's most violent set of riots.

However, militancy in Kashmir is not exclusive to one particular group⁹⁶. In fact, the militant's agendas have evolved with time and we can broadly see that there are three main phases in the contemporary dynamics of the conflict: the Jammu and Kashmir Liberation front (JKLF) period, the Hizb-ul-Mujahedeen (HM) and the involvement of other foreign groups⁹⁷.

93 Rahnam Indurthy and Muhammad Haque, "The Kashmir conflict: why it defies solution", *op. cit.*, p. 13.

94 *Ibid.*, p. 14

95 *Ibid.*, p. 17.

96 Deepti Sharma, "The Kashmir insurgency: multiple actors, divergent interests, institutionalized conflict", in Chima, Jugdep S. *et. al.* (coords.), *Ethnic Subnationalist Insurgencies in South Asia, Identities, interests and challenges to state authority*, London, Routledge, 2015, p. 26.

97 *Ibid.*

In view of an extremely turbulent political scenario in 1987, militancy seemed to be the option to cope with the fact of raising Kashmiri voice of discontent with the management and latest policies executed by the Indian government. Surely, at this point one can see that Kashmiris actively declared to be in favor of becoming independent.

Pakistan viewed these insurgencies as an opportunity to destabilize the Indian government and have wider influence (even control) over the area. Yet, Pakistan did not foresee that its actions in the Kashmiri territory would backfire, and that terrorism would remain on their borders causing major disturbances. For a while, the Pakistani government through the Inter-Services Intelligence (ISI) decided to train and equip several terrorist groups that operated in Kashmir (including those related to the JKLF and the HM)⁹⁸.



Terrorist Training camps in Pakistan, Anne Noronha Dos Santos, *Military Intervention and Secession in South Asia, the cases of Bangladesh, Sri Lanka, Kashmir and Punjab*, p. 85.

⁹⁸ *Ibid.*, p. 27.

The history of JKLF and HM is heavily intertwined. In 1989, the urban, middle-class, secular and pro-independence JKLF group was founded⁹⁹. This group was the most popular among the masses due to its ability for grassroots mobilization¹⁰⁰. Nevertheless, due to the diversity of ideologies that emerged alongside the JKLF, this group could not remain unified for more than 10 years¹⁰¹.

Since the JKLF had a secular doctrine, more radical secessionists leaders decided to create an alternative group in 1995 to cope with this issue¹⁰². Hence, the founding of the HM seems to be a logical outcome for pursuing more Islamic agenda. This group not only highlighted the importance of Islam, but also advocated the merger with Pakistan¹⁰³.

Terrorism began to expand because of Pakistan's support for extremist groups such as HM and because of the Islamization of the conflict¹⁰⁴. Nowadays, the main concern remains on how to deal with terrorists which were heavily supported from abroad and do not even share the Kashmiri cause of self-rule. These groups that once were trained and backed by foreign countries are the ones who bring the most instability in the region¹⁰⁵.

In fact, many terrorist groups residing in Kashmir are there just to fulfil a pan-Islamic and jihadi perspective of uniting the Muslims of the world and to finally establish a Caliphate¹⁰⁶. Since the late 1990's, groups with links to Al Qaeda such as the Lashkar-e-Toiba (LeT), Jaish-e-Mohammed (JeM) and Harkat-ul-Ansar (HuA), are participating in terrorist activities in Kashmir.¹⁰⁷

As shown, there is a vast variety of narratives that have been built to explain the Kashmiri struggle. Yet, I strongly believe that the region should use a democratic method and rely on the opinion of the vast majority its native people. In Kashmir, many issues remain unsolved

99 Matthew J. Webb, "Nationalist Theories: *Kashmiriyat*", *op. cit.*, p. 44.

100 Deepti Sharma, "The Kashmir insurgency: multiple actors, divergent interests, institutionalized conflict", *op. cit.*, p. 26.

101 *Ibid.*

102 *Ibid.*, p. 27.

103 *Ibid.*

104 *Ibid.*, pp. 28-29.

105 *Ibid.*, p. 29.

106 *Ibid.*

107 *Ibid.*

(autonomy vs full independence, control by one or two nations, division among religious and ethnic cleavages, difference in cultural and religious practices, terrorism vs. peacekeeping etc.) and this triggers the question if there can be an end to this circle. In the following chapter I will discuss whether there is a viable solution for this long-lasting dispute.

Chapter IV. Towards conflict resolution?

The puzzling issue about the Kashmiri dispute is why does this conflict does not seem to have a voice of its own (or in the international realm) to finally reach a peaceful and consensus solution? There are many hypotheses that have been raised on the matter. For example, some scholars think that the lack of intervention from the international community is a way for pleasing India who is becoming an emerging power. Others think that the issue does not raise enough interest for major powers and multilateral organizations that act as peace keepers¹⁰⁸. As Geelani states in his article, Kashmir has really become a ghost among international conflicts¹⁰⁹.

While the general idea of the conflict is that it's a territorial dispute between India and Pakistan, Kashmiris must face the fact that they live in a highly-militarized area. One of the recurring issues of militancy eruption in Kashmir has resulted in the mobilization large scale security forces¹¹⁰. Such security groups generally come from different ethnic origins which automatically makes them to have lesser empathy towards the local population. In the long run, this can make the violent events even more complex and dangerous¹¹¹.

Let's point out that there has not been any active participation from the international community after the creation of the special UN branch for the Kashmir crisis in 1948¹¹². The UN created resolutions calling to undertake referenda in 1948 and 1958, but both failed to materialize, since India and Pakistan did not agree on the terms¹¹³.

This seem to validate Geelani's argument on the incapability of Kashmiri people to do a 'good marketing' on their cause. Thus, if there was a change in the way Kashmiris frame

108 *Ibid.*, p. 30.

109 *Ibid.*

110 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", *op. cit.*, p. 71.

111 *Ibid.*

112 Gowhar Geelani, "Kashmir: The Forgotten Conflict", *op. cit.*, p. 30.

113 Rahnam Indurthy and Muhammad Haque, "The Kashmir conflict: why it defies solution", in *International op. cit.*, p. 9.

their claims this could attract a wider worldwide public and create awareness of this issue one more time¹¹⁴.

Hindrances to Kashmiri secession

Nonetheless, having a minimal internal consensus over the state's independence is quite a complex issue. Even within the Kashmiri state, there is a large division on the ways the state can finally become independent. This is linked with the fact that every different region has contrasting perspectives on how to handle this issue and on the possible result of the final outcome.¹¹⁵



Kashmir and its main administrative divisions, source: Chitralkha Zutshi, *Languages of belonging, Islam, regional identity, and the making of Kashmir*, p. 10.

First, the lack of unity among religious groups make us question one more time whether independence could be possible especially since there is an ongoing adversarial relation among Hindus and Muslims from Kashmir. Both religious groups blame one another for being the reason of their oppression. Just as Zutshi suggests:

114 Gowhar Geelani, "Kashmir: The Forgotten Conflict", *op. cit.*, p. 34.

115 Shaheen Akhtat, "Intra Kashmir Dialogue: Need for Consensus", in *Strategic Studies (USA)*, vol. 32, 2012, p. 1.

“Unfortunately, what these debates invariably end up doing is casting the present conflict in Kashmir in terms of an inevitable struggle between Hindus and Muslims, whether an oppressive Hindu state and its victimized Muslim citizens, or a dominant majority Muslim community and persecuted Hindu minorities.¹¹⁶”

Second, as mentioned previously, there is a lack of unity among the people of Kashmir within the realm of defining a minimal and viable political agenda. Each ethnic group has different desires when it comes to decide about the future of the state.

The valley (having a Muslim majority) is the area which has always defended the idea of *azadi* (independence). In this area, the key figure when it comes to negotiation and promotion of the Kashmiri struggle is the All Parties Hurriyat Conference (APHC). This party (also considered as a separatist umbrella) composed by several secessionist groups claims the right to self-determination in accordance with the UN resolutions of 1948¹¹⁷. However, despite the will of solving the issue, there has been little dialogue between New Delhi and the APHC¹¹⁸.

Other militant groups such as the Hizb or the United Jihad Council (UJC) located in the valley believe that it would be better for the Kashmiri people to be pro-accession to Pakistan. Even if these groups are considering being part of Pakistan, the Pakistani government still supports the idea of an independent Kashmiri state¹¹⁹.

Pro Indian parties such as the National Conference (NC) (located in Srinagar) stress the need for a greater autonomy from the Indian state by recurring to article 370 of the Indian Constitution¹²⁰. In 2002, the People’s democratic party (PDP) came to power in Kashmir and became crucial in the change of political dynamics in the state¹²¹.

This party was founded in 1999 by Mufti Mohammad Sayeed (who was first affiliated with the National Congress under the Rajiv Gandhi government) after the NC was losing ground

116 Chitralkha Zutshi, *Kashmir’s contested pasts: narratives, sacred geographies, and the historical imagination*, op. cit., p. 303.

117 Shaheen Akhtat, “Intra Kashmir Dialogue: Need for Consensus”, *op. cit.*, p. 1.

118 Matthew J. Webb, *Kashmir’s Right to Secede, a Critical Examination of Contemporary theories of secession*, op. cit., p. 47.

119 Shaheen Akhtat, “Intra Kashmir Dialogue: Need for Consensus”, *op. cit.*, p. 2.

120 *Ibid.*, p. 2.

121 Mudasar Maqbool, *Political Journey of PDP in Jammu and Kashmir*, available in <https://kashmirobsrver.net/2016/features/political-journey-pdp-jammu-and-kashmir-11999> (consulted June 14th, 2017).

after creating an alliance with the Bharatiya Janata Party (BJP) (moderate Hindu political party). The constant clashes with Delhi in the discussion of the article 370 and lack of progress in the negotiations made the NC quite unpopular in a very short amount of time. This led to the creation of the PDP which would be a new avatar in politics representing a pro-Kashmir shift¹²².

The main concerns of the party were to operate on the ideology of self-rule and to build a bridge between the local population (which was being affected by the security crisis) and the central government¹²³. This would be done by mobilizing public opinion to persuade the central government to get a peaceful resolution by using constitutional means and to restore normalcy in Kashmir. Indeed, such philosophy made the PDP a strong force which remains in power until date¹²⁴.

In Jammu, there is also a demand for having complete autonomy by asking for punun Kashmir (Hindu Kashmir)¹²⁵. Pandits demand to go back to their home which they were forced to leave in the 90's. In the Ladakh region (divided between the Buddhist dominated Leh and the Muslim dominated Kargil), Buddhists have advanced some proposals on how to coexist despite their religious divides¹²⁶.

Nowadays, the biggest concern regarding secession lies on the fact that there is a lack of viable political agenda or a strong leadership that could rally the different groups around this agenda. The APHC or the NC who once enjoyed popularity are now not being able to claim support from the people due to their incapability to deliver promises on more down to earth political policies like more schools, roads, hospitals and jobs¹²⁷.

Besides, even if the PDP emerged as the single largest party in the Assembly polls of the 2014 election, the party did not manage to have a majority to form a government of its own. Hence, the PDP had to create a coalition with the BJP which was the second largest party at the Assembly¹²⁸.

122 *Ibid.*, (consulted June 14th, 2017).

123 *Ibid.*

124 *Ibid.*

125 Shaheen Akhtat, "Intra Kashmir Dialogue: Need for Consensus", op. cit., p. 2.

126 *Ibid.*, p. 2.

127 Matthew J. Webb, Kashmir's Right to Secede, a Critical Examination of Contemporary theories of secession, op. cit., p. 48.

128 Mudasir Maqbool, Political Journey of PDP in Jammu and Kashmir, op. cit., (consulted June 14th, 2017).

However, Mufti did not realize that by creating such coalition, many Kashmiris would not be pleased¹²⁹. Indeed, the main reason why people voted for Mufti was because he was supposed to make sure that no Indian political party became a partner in power (especially the BJP ruling in the valley would be quite controversial). Certainly, the conflicting ideologies of the parties would create greater repercussions on peace keeping in Kashmir¹³⁰.

Without doubt, these circumstances and (once again) the lack of progress in negotiations is putting in stake the credibility of the PDP. Therefore, the other viable alternative to circumvent corrupt politicians might seem religious groups with strong principles. Hence, it might sound logical to follow the steps of a character such as Burhan Wani. However, Hangloo finds flaws in the arguments given by Kashmiri religious separatists because they do not have any substantive political goals.¹³¹

Resolution drafting: a palette of options

Even though many international organizations have drawn documents with recommendations to improve the situation and reach consensus, little has been implemented. Old proposals written in the late 90's and early 00's keep coming repeatedly suggesting the demilitarization of the region as well as having freedom of speech, freedom of movement and justice for all victims of human rights violations¹³².

Thanks to social media, many cases of abuses are now registered and distributed to the public even if there is a continuous risk of threats and censorship¹³³. Human rights violations have only fueled Kashmiri will for independence. Hence, there are constant active demonstrations against the Indian forces¹³⁴.

For the past seven decades, there have been many propositions to reach a final consensus over this regional dispute. National and international organizations and civil society actors have proposed different alternatives to solve this complex problem.

129 *Ibid.*, (consulted June 14th, 2017).

130 *Ibid.*

131 Rattan Lal Hangloo, "Kashmiriyat: the voice of the past misconstrued", op. cit., p. 41.

132 Shubh Mathur, "Memory and hope: New Perspectives on the Kashmir conflict- and introduction", in *Race and Class* (Washington), vol. 56, n°2, 2014, p. 10.

133 *Ibid.*, p. 5.

134 Matthew J. Webb, *Kashmir's Right to Secede, a Critical Examination of Contemporary theories of secession*, op. cit., p. 49.

The first solution was the 1948 referendum offered by India. Such option was given in the framework of partition (where princely states could opt to be incorporated to India or to Pakistan)¹³⁵. India agreed to help Kashmir against Pakistani invasion, if they would sign the Instrument of accession. The state would enjoy certain autonomy which was supported by the creation of article 370 of the Indian constitution¹³⁶.

According to what was originally planned, once tensions between Pakistan and India would diminish and a more normalized situation between the two states, they could envisage another referendum (where the local people would determine what was to happen with Kashmir). Yet, the constant military collisions did not allow to undertake such an action. In 1949, the UN requested the central government of India to execute such referendum, nevertheless, this never occurred¹³⁷.

With the failure of the referendum, Owen Dixon envisaged a second ‘more realistic’ middle-way resolution in 1950¹³⁸. Dixon based his proposition in view of the plurality that resides within Kashmir offering an institutional solution by creating cohabitation rules. He suggested different options for the three broad divisions in the state¹³⁹.

He first proposed the formation of a coalition government between the different parties and actors¹⁴⁰. The second proposition was to create an administration in which people outside politics would hold high judicial and administrative positions¹⁴¹. The chairman of the administration would be pointed out by the UN and half of the members should represent Hindus and the other half Muslims (such power sharing government was also the initial commitment of the Indian independence fighters prior opting for creating two different nations). The last resolution consisted of having an administration only composed entirely by UN representatives¹⁴².

The third proposal made by several scholars and Kashmiris was creating a confederation or a condominium status for Kashmir in relation with India and Pakistan. Even Sheikh

135 Noor Ahmad Baba, “Resolving Kashmir: imperatives and solutions”, *op. cit.*, p. 74.

136 *Ibid.*, p. 74.

137 *Ibid.*

138 Noor Ahmad Baba, “Resolving Kashmir: imperatives and solutions”, *op. cit.*, pp. 74-75.

139 *Ibid.*

140 Sisir Gupta, *Kashmir a study in India-Pakistan relations*, London, Asia Publishing house, 1965, p. 217.

141 *Ibid.*

142 *Ibid.*

Mohammed Abdullah (who was Kashmir's nationalist leader) was a supporter of this idea¹⁴³. Central government matters should be handled by both India and Pakistan jointly through the Council of Common Interest (CCI)¹⁴⁴. Such council would have to include Kashmiris from both sides of the line of control (which would have to be softened) and create policies which would be satisfactory everyone¹⁴⁵.

This idea was further developed by Kashmiri intellectuals in the 1990's after the eruption of the bloodiest security crisis in Kashmir. The most important set of intellectuals is the US based group called the Kashmir study group (KSG) lead by Farooq Kathwari¹⁴⁶.

The KSG was formed by 25 members who developed a set of three different studies offering solutions over this issue. These documents were entitled as A Way Forward in Kashmir. These ideas were reformulated since the proposal sounded quite unrealistic at the time. In 2005, a second version of such draft was presented and called Kashmir a Way Forward¹⁴⁷.

In this document, the intellectuals suggested that portions of the former princely state of Kashmir had to be reconstituted into self-governing entities enjoying free access to one another and to and from both India and Pakistan. The document recommends the creation of five autonomous entities: Kashmir, Jammu, Ladakh, Azad Kashmir and northern areas. Each entity would have its own constitutions as well as citizenship, flag and legislature. In addition to the autonomous states, there must be a creation of an All-Kashmir executive body which represents each one of the different areas as well as India and Pakistan. Such institution would coordinate issues such as regional trade, tourism, environment and water resources. No army should reside in the territory and the parent states (India and Pakistan) should be in charge of defending the territories if required¹⁴⁸.

Sajjad Gani Lone also created a similar 268-page vision document (which latter inspired Musharraf's) entitled Achievable Nationhood. The author envisages the development of a

143 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", *op. cit.*, p. 75.

144 Syed Shahid Hussain Bukhari, "Managing the Kashmir conflict: a collaborative approach", in *Journal of the research society of Pakistan*, vol.53, n°1, 2016, p. 155.

145 *Ibid.*

146 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", *op. cit.*, p. 75.

147 *Ibid.*

148 *Ibid.*

Kashmir borderless economic union. This would be jointly managed with India and Pakistan in the realm of defense and foreign affairs in their respective areas of the state¹⁴⁹.

This means that there would be a shared sovereignty between the different states. They would be able to have and independent relationships with each other converting the region in a neutral peace zone¹⁵⁰. New institutions would be created in order to organize, consult and collaborate in the fields of immigration, interior resident movement, natural resources management and sector specific cooperation¹⁵¹.

Musharraf's proposition is also quite similar to Gani's but more specific since it puts forward the fact of having a need for different interpretations depending on each region. This is because of the ethnic, political and strategic considerations exclusive to every area. The government should provide different appointments between one another as well as different political exceptions modelled in some sort of federalism¹⁵².

Baba suggests that the key element to solve this conflict is to start softening the border between India and Pakistan¹⁵³. Due to partition in 1947, the main communication paths were cut and regular trade routes could not operate any longer. Kashmir who was once part of the silk route trade spots, stopped interacting with the rest of its Asian trade partners¹⁵⁴.

Alternative routes had to be used, but these paths could not handle the number of vehicles that circulated in the Kashmiri region before partition, neither the climate conditions were optimal for goods transportation in these alternate routes. Besides, the constant military checkpoints and the new tedious paperwork required made trade decrease substantially. Therefore, Kashmir became a periphery that was no longer connected to the rest of Asia and this took a tremendous toll in the economy to the extent of getting a strong setback¹⁵⁵.

Reopening the Srinagar-Muzaffarabad route would permit Kashmiri products to become internationally competitive as well as to regain access to routes towards central Asia and

149 *Ibid.*

150 *Ibid.*

151 *Ibid.*

152 *Ibid.*

153 *Ibid.*, p. 69.

154 *Ibid.*

155 *Ibid.*

even Iran¹⁵⁶. Besides, softening borders with Pakistan would not only improve the economy. This would also mean that it could help counterbalance the expanding Chinese commercial influence over the Asian continent¹⁵⁷.

Webb points out that militancy and violent rebel groups in Kashmir (just as in other parts of India) are also linked to the insufficient amount of opportunities¹⁵⁸. Baba claims that militancy is the result of the failure of normal and peaceful channels to express dissent¹⁵⁹. Also, the fact that militia breaks down civil order, destroys infrastructure and causes the erosion of public institutions further damages the economic potential of the region. Hence, this seems to be creating a vicious cycle in which the central government of India and the people of Kashmir are not able to improve the situation in the zone¹⁶⁰.

If Kashmir wishes to become autonomous, the Kashmiri leaders should reformulate a viable solution which takes into consideration the diversity existing within the region. The different ethnicities and religious groups should enjoy certain degree of equality in the realm of the *trias politica* representation in order to avoid any further violent developments.

Indeed, the suggested conflict resolutions for this issue are varied and even unusual. The condominium case sounds as a quite promising resolution, especially since it would grant a certain degree of autonomy to the Kashmiri state, and there would be shared sovereignty with the parent states and hence, territorial dispute would stop. Such option is a peculiar but interesting suggestion for such a complex and exceptional turmoil.

Besides, other lessons and resolutions could be drawn from other multiethnic countries which have faced similar situations. For instance, Sri Lanka managed to end its civil war after 26 years of armed conflict¹⁶¹. Sri Lanka had a similar historical background in which through the years, certain political reforms to improve the status of the Tamil minority *vis-*

156 *Ibid.*, p. 72.

157 *Ibid.*, p. 69.

158 Matthew J. Webb, *Kashmir's Right to Secede, a Critical Examination of Contemporary theories of secession*, op. cit., p. 48.

159 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", op. cit., p. 70.

160 Matthew J. Webb, *Kashmir's Right to Secede, a Critical Examination of Contemporary theories of secession*, op. cit., p. 48.

161 Jayadeva Uyagoda, "Ethnic conflict and the civil war in Sri Lanka", in Paul R. Brass et. al. (coords.), *Routledge Handbook of South Asian Politics*, London, Routledge, 2013, p. 291.

à-vis the Sinhala majority were not executed and this triggered the development of a secessionist movement in the late 70's¹⁶².

Just as in Kashmir, when the means of a pacific movement did not work, violence became the mean for raising their voice. Nowadays, the Sinhala country seems to be blossoming after this long-lasting struggle. In the same way, I believe that there is hope for Kashmir for a peaceful resolution in which the population would enjoy of the benefits of peace, autonomy and economic development.

162 *Ibid.*, p. 291.

Conclusion

Under the current circumstances it is very difficult to foresee if there will be a long-lasting solution to this protracted conflict. Indeed, I cannot deny the fact that there have been great efforts among all the actors involved to try to find a shared and acceptable result for all. Yet, there are still many pending matters to be solved.

It seems that under the current state of affairs in the area, a solution is far from being decisive. However, it is of utmost importance to highlight that now more than ever, India and Pakistan are willing to cooperate as a way to preclude religious and terrorist groups using the secession claims as a way to implement their more radical agendas.

Controlling the Kashmiri conflict has been costly for the central governments of India and Pakistan but especially for the local inhabitants. Thousands of Kashmiri lives have been lost in the process of defending their ideals and their ways of life. In times of crisis, states of exceptions are often implemented and hence, these situations of exception are prone to commit many atrocities against human life and integrity.

Yet, one can question whether independence would be a viable option for Kashmiris. Many scholars argue that the fact that there is so much fragmentation among the local inhabitants could cause a post-independence civil war. Kashmiris are not only politically divided, but also ethnically and religiously.

Besides, as mentioned previously, the economy of the region is extremely fragile. Militia work and the constant riots have made of Kashmir a faded spot in commercial routes. In a way, the local economy has almost stagnated for the past three decades due to destruction and lack of investment in infrastructure created by an uprising of insecurity in the zone.

I believe that the most viable solution would be to implement the in between condominium arrangement with help of the international community as well as a border softening. Nowadays, the concept of security is not exclusive to one single nation. It challenges countries to come together for common rather than individual purposes¹⁶³. The main idea is to create a similar institution to the European Union in which territorial claims would not

163 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", *op. cit.*, p. 68.

be a problem because of the political flexibility provided by the *modus operandi* of a confederation¹⁶⁴.

After 1998 (when India and Pakistan were on the brink to have a nuclear war) and despite all the ongoing tensions among the actors involved, there has been awareness that the only viable solution for this conflict is the mean of a dialogue¹⁶⁵. A nuclear war would be disastrous, especially since it would erase the region from the map. Besides' it would be an ecological and economic catastrophe in which neither of the countries could afford to repay the damage.

Kashmiris are eager to finally live in their homeland where terrorism and human rights abuses are over, where fundamental rights, water, shelter, education, healthcare are provided¹⁶⁶. However, this can only be achieved when parent states agree on a final and long-lasting solution and good governance is applied. This implies that the current people in power in all three nations need to change their policies and be inclined to help the native people.

What I consider to be the first and most prominent issue is to finally manage to at least avoid bloodthirsty by softening borders, demilitarizing the zone and creating a safe environment. This would immediately foster the development of local economy and hence, it could make the region sustainable and avert another violent conflict. Since both countries have declared war on terrorism after the 9/11 events, collaboration to combat such groups should not be a problem anymore. Making the zone safe again is a must to finally have peace in the region.

164 Syed Shahid Hussain Bukhari, "Managing the Kashmir conflict: a collaborative approach *op. cit.*, p. 155.

165 Noor Ahmad Baba, "Resolving Kashmir: imperatives and solutions", *op. cit.*, p. 70.

166 *Ibid.*, p. 68.

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